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# HOUSE BILL No. 1101

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-24.5; IC 3-8; IC 3-7-13-13; IC 3-9; IC 3-11-10-27; IC 3-13-1; IC 6-1.1-18.5-10.6; IC 36-1-8-10.

**Synopsis:** Various election law changes. Makes changes to election law concerning the following: (1) The date that electronic filing of certain campaign finance reports is considered to have occurred. (2) The total number of signatures that a candidate for President of the United States, United States Senator, or governor is required to obtain to qualify for placement on the ballot. (3) The requirement for an individual who registers to vote to provide the last four digits of the individual's Social Security number. (4) The filing of statements of organization by political committees. (5) Administrative disbanding of political committees. (6) An erroneous reference in a statute relating to absentee voting. (7) Deadlines for taking certain actions relating to filing candidate vacancies. (8) Determination of the political affiliation of an appointee to a local board. (9) Exceeding property tax levy limits for purchase of voting systems.

**Effective:** Upon passage; July 1, 2002.

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**Kromkowski, Richardson, Cheney,  
Behning Behning**

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January 8, 2002, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1101

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-24.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 24.5. "Filing" means  
3 the following:

4 (1) For purposes of filing an electronic report under  
5 IC 3-9-4-4 or IC 3-9-5-7, when the requirements of IC 3-9-4-4  
6 or IC 3-9-5-7 have been met.

7 (2) For all other purposes, when all of the following have  
8 occurred:

9 (1) (A) The presentation of a document to an individual  
10 required to receive the document under this title.

11 (2) (B) The receipt of the document by the individual. and

12 (3) (C) The recording of the date and time the document was  
13 received by the individual.

14 SECTION 2. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) A declaration of candidacy  
16 for the office of United States Senator or for the office of governor  
17 must be accompanied by a petition signed by at least ~~five~~ **four**



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thousand ~~(5,000)~~ **five hundred (4,500)** voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and
- (2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least ~~five four~~ thousand ~~(5,000)~~ **five hundred (4,500)** voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 3. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least ~~five four~~ thousand ~~(5,000)~~ **five hundred (4,500)** voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and
- (2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least ~~five four~~ thousand ~~(5,000)~~ **five hundred (4,500)** voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 4. IC 3-7-13-13, AS ADDED BY P.L.199-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) Except as provided in subsection (b), when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11 or the individual's identification card number issued under IC 9-24-16.

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(b) If an individual does not have a driver's license issued under IC 9-24-11 or an identification card issued under IC 9-24-16, the individual ~~may~~ **must** provide the last four (4) digits of the individual's Social Security number when the individual registers to vote.

(c) The number provided by the individual under subsection (a) or (b) is the individual's voter identification number.

(d) A voter's voter identification number may not be changed unless the voter made an error when providing the number when registering to vote.

(e) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred.

SECTION 5. IC 3-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. Each committee must file a statement of organization ~~no not~~ later than noon ten (10) days ~~after its organization or~~ after it becomes a committee.

SECTION 6. IC 3-9-1-12, AS AMENDED BY P.L.176-1999, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for state office.
- (2) A candidate's committee for legislative office.
- (3) A legislative caucus committee.
- (4) A political action committee that has filed a statement or report with the election division.
- (5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for a local office.
- (2) A candidate's committee for a school board office.
- (3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
- (4) A regular party committee that has filed a statement or report

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with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines ~~that a committee:~~ **both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:**

(A) **The committee** has not filed any report of expenditures during the previous three (3) calendar years.

~~(B) Owes no debts to any person other than:~~

- ~~(i) a civil penalty assessed by the commission or board; or~~
- ~~(ii) to an individual who was a candidate and also serves as the chairman or treasurer of the candidate's committee; if the committee filed a report under this article; and~~

~~(C) (B) The committee~~ last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

~~the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee.~~

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board, if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.

(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or

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- 1 judgment by any person.
- 2 (5) The election division shall arrange for the publication in the
- 3 Indiana Register of an order administratively disbanding a
- 4 committee. A county election board shall publish a notice under
- 5 IC 5-3-1 stating that the board has disbanded a committee under
- 6 this subsection. The notice must state the date of the order and the
- 7 name of the committee, but the board is not required to publish
- 8 the text of the order.
- 9 (6) An order issued under this subsection takes effect immediately
- 10 upon its adoption, unless otherwise specified in the order.
- 11 (f) If the chairman or treasurer of a committee wishes to disband the
- 12 committee, the committee must do either of the following:
- 13 (1) Give written notification of the dissolution and transfer a
- 14 surplus of contributions less expenditures to any one (1) or a
- 15 combination of the following:
- 16 (A) One (1) or more regular party committees.
- 17 (B) One (1) or more candidate's committees.
- 18 (C) The election division.
- 19 (D) An organization exempt from federal income taxation
- 20 under Section 501 of the Internal Revenue Code.
- 21 (E) Contributors to the committee, on a pro rata basis.
- 22 (2) Use the surplus in any other manner permitted under
- 23 IC 3-9-3-4.
- 24 (g) Except as provided in subsection (e) concerning the waiver of
- 25 civil penalties, a dissolution or transfer of funds does not relieve the
- 26 committee or the committee's members from civil or criminal liability.
- 27 SECTION 7. IC 3-9-4-4, AS AMENDED BY P.L.176-1999,
- 28 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2002]: Sec. 4. (a) The election division shall develop a filing
- 30 and coding system consistent with the purposes of this article. The
- 31 election division and each county election board shall use the filing and
- 32 coding system. The coding system must provide:
- 33 (1) not more than ten (10) codes to account for various campaign
- 34 expenditure items; and
- 35 (2) a clear explanation of the kinds of expenditure items that must
- 36 be accounted for under each code.
- 37 (b) The election division shall develop and use a computer system
- 38 to store campaign finance reports required to be filed under IC 3-9-5-6,
- 39 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the
- 40 election division to do the following:
- 41 (1) Identify all candidates or committees that received
- 42 contributions from a contributor over the past three (3) years.

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(2) Identify all contributors to a candidate or committee over the past three (3) years.

(3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report ~~upon~~ **after** the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 ~~when on the date and at the time electronically recorded by the hard copy is printed out and the election division records the date and time of the printout on the hard copy- division's computer system.~~ If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(e) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 8. IC 3-9-5-7, AS AMENDED BY P.L.176-1999, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) A person may deliver reports to the appropriate office as follows:

(1) By hand.

(2) By mail.

(3) By electronic mail, if the appropriate office has the capacity to **do all of the following:**

(A) Receive electronic mail. ~~and~~

(B) **Electronically record the date and time that electronic mail is received by the office.**

(C) Print out a hard copy of the report ~~immediately upon~~ **after**

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the receipt of the electronic mail by the office.

(b) Reports must be filed as follows:

(1) Hand delivered reports or reports transmitted by mail must be filed with the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.

(2) Reports delivered by electronic mail must be filed with the appropriate office not later than noon seven (7) days after the date of the report.

(c) This subsection applies to a report delivered by electronic mail.

Filing of a report occurs under IC 3-5-2-24.5 ~~when the hard copy is printed out and the office records the date and time of the printout on the report.~~ **on the date and at the time electronically recorded by the office's computer system.** If a discrepancy exists between the text of the electronic mail and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

SECTION 9. IC 3-11-10-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Before a ballot is voted under section 25 or 26 of this chapter before an absentee voter board, ~~other than the absentee voter board in the office of the circuit court clerk,~~ it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by:

(1) the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (c)); or

(2) the county election board or the board's designated representatives under IC 3-11-4-19 if the ballot is cast at the office of the circuit court clerk under section 26 of this chapter.

(c) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

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(d) The initials must be in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

SECTION 10. IC 3-13-1-7, AS AMENDED BY P.L.260-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon ~~June 30~~ **July 15** after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 11. IC 3-13-1-15, AS AMENDED BY P.L.260-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
  - (A) the candidate wants the candidate's name to appear on the ballot; and
  - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The address of each candidate.
- (b) The certificate shall be filed with:
  - (1) the election division for:
    - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
    - (B) a committee acting under section 6(a) of this chapter to fill

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a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 15 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 12. IC 3-13-1-20, AS AMENDED BY P.L.260-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than noon ~~June 30~~ July 15 before election day. The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 13. IC 6-1.1-18.5-10.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.6. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a county for a voting system purchase fund under IC 3-11-6. However, the maximum amount that is exempt from the levy limits under this section may not exceed the property taxes that would be raised in the ensuing calendar year with a property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars**



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1 (\$100) of assessed valuation.

2 (b) For purposes of computing the ad valorem property tax levy  
3 limit imposed on a county under section 3 of this chapter, the  
4 county's ad valorem property tax levy for a particular calendar  
5 year does not include that part of the levy imposed under IC 3-11-6  
6 that is exempt from the ad valorem property tax levy limits under  
7 subsection (a).

8 SECTION 14. IC 36-1-8-10, AS AMENDED BY P.L.167-2001,  
9 SECTION 10, AND AS AMENDED BY P.L.199-2001, SECTION 28,  
10 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) As used in this section,  
12 "board" means *an* administration, *an* agency, *an* authority, *a* board, *a*  
13 bureau, *a* commission, *a* committee, *a* council, *a* department, *a*  
14 division, *an* institution, *an* office, *a* service, or ~~other~~ *another* similarly  
15 designated body of a political subdivision.

16 (b) Whenever a law or political subdivision's resolution requires that  
17 an appointment to a board be conditioned upon the political affiliation  
18 of the appointee, or that the membership of a board not exceed a stated  
19 number of members from the same political party, at the time of an  
20 appointment, ~~either one~~ **(1)** of the following must apply to the  
21 appointee:

22 (1) The most recent primary election in which the appointee voted  
23 was a primary election held by the party with which the appointee  
24 claims affiliation. ~~or~~

25 **(2) If the appointee has never voted in a primary election, the**  
26 **appointee claims a party affiliation.**

27 **(3)** The appointee is certified as a member of that party by the  
28 party's county chairman for the county in which the appointee  
29 resides.

30 (c) Notwithstanding any other law, if the term of an appointed  
31 member of a board expires and the appointing authority does not make  
32 an appointment to fill the vacancy, the member may continue to serve  
33 on the board for only sixty (60) days after the expiration date of the  
34 member's term.

35 SECTION 15. **An emergency is declared for this act.**

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